

Thereafter, it was learned that such other articles had been unintentionally in good faith, and accidentally sold or otherwise disposed of and their whereabouts were unknown. Accordingly an order was filed on 4-27-61, dismissing without prejudice the libel as to such other articles.

27548. Vitamin-mineral capsules. (F.D.C. No. 45122. S. No. 16-784 R.)

QUANTITY: 51 100-capsule btl. and 107 30-capsule btl. at Indianapolis, Ind., in possession of Nacor Medicine Co.

SHIPPED: Between 5-27-60 and 7-28-60, from Newark, N.J., to Lafayette, Ind., and from there to Indianapolis, Ind.

LABEL IN PART: (Btl.) "Nacor-Vite A High Potency Vitamin with Minerals vitamins A, B₁, B₂, B₆, C and D Plus the Red Vitamin B₁₂ and Minerals * * * Distributed by The Nacor Medicine Company, Indianapolis, Ind."

ACCOMPANYING LABELING: Circulars entitled "Can You Banish Those 'Weary Blues' caused by a Nutritional Deficiency?"

RESULTS OF INVESTIGATION: The capsules of the article were shipped in bulk to Lafayette, Ind., as described above, and after arrival there, were repacked and labeled by the Lafayette Pharmacal, Inc., with labels furnished by the Nacor Medicine Co., and then shipped to Indianapolis, Ind. The above-mentioned circulars were printed locally on order of Nacor Medicine Co.

LIBELED: 12-20-60, S. Dist. Ind.

CHARGE: 403(a)—while held for sale, the label of the article contained false and misleading representations that the nutritional requirements for people over age 35 are different from adults generally, that it is impossible to obtain needed nutrients from foods normally consumed and generally available, and that the need in human nutrition for all 20 ingredients of the article had been proven and established; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B₁, B₂, niacinamide, C and D, and the minerals calcium, phosphorus, and iron supplied by the article when consumed in a specified quantity during the period of one day, and its label also failed to bear the statement "The need for calcium pantothenate, choline bitartrate, and inositol in human nutrition has not been established."

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 2-13-61. Default—destruction.

MISCELLANEOUS FOODS

27549. Frozen turkey dinners. (F.D.C. No. 46142. S. Nos. 8-399/400 R.)

QUANTITY: 2,185 cases, 12 11-oz. pkgs. each, at Pittsburgh, Pa.

SHIPPED: 6-15-61, from Quigley and Manard Peace Bridge, Buffalo, N.Y., by Quaker State Frozen Turkey Dinners.

LABEL IN PART: (Pkg.) "Quaker State Frozen Turkey Dinner * * * Prepared and Packaged by Quaker State Foods Corp., Pittsburgh, Pa."

LIBELED: 8-1-61, W. Dist. Pa.